

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TARA BROOKS, ELOISE BROOKS and	)	
ROBERT BROOKS, both Individually and as	)	
Special Administrators of the	)	
Estate of TOMMIE MOORE, Deceased,	)	
	)	Court No. 1:18-cv-3940
Plaintiffs,	)	
	)	
vs.	)	
	)	
MV TRANSPORTATION, INC., a/k/a	)	
MV TRANSPORTATION, INC. OF	)	
CALIFORNIA,	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendant, MV Transportation, Inc., a/k/a MV Transportation, Inc. of California, pursuant to 28 U.S.C. § 1446 and the Local Rules of the United States District Court for the Northern District of Illinois, notifies this Honorable Court that the above-entitled cause has been removed from the Circuit Court of Cook County, County Department, Law Division, to the United States District Court for the Northern District of Illinois, Eastern Division, and in support thereof, states as follows:

**STATEMENT OF THE CASE**

1. On April 18, 2018, Plaintiffs filed this wrongful death action alleging that MV Transportation was negligent in its hiring, retention and supervision of employee Roger Scoby ("Scoby"), who allegedly committed an assault that resulted in the death of decedent, Tommie Moore, on March 30, 2017 while Scoby was off duty and at the decedent's residence for personal reasons. (See Plaintiffs' Complaint attached as Exhibit A.) Plaintiff's complaint seeks damages in excess of \$50,000. *Id.*

2. The Defendant was served via its registered agent on May 7, 2018.

**DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332(a)**

3. This action is one over which the Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, and may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441 because it is a civil action wherein the matter in controversy exceeds the sum or value of \$75,000 exclusive of interests and costs, and is between citizens of different states.

4. Complete diversity exists between the parties because:

- (A) Plaintiff Tara Brooks is a natural person domiciled in the State of Illinois;
- (B) Plaintiff Eloise Brooks is a natural person domiciled in the State of Illinois;
- (C) Plaintiff Robert Brooks is a natural person domiciled in the State of Illinois;
- (D) Decedent Tommie Moore was a natural person domiciled in the State of Illinois;
- (E) Defendant MV Transportation, Inc. is a corporation organized under the laws of the State of California with its principal place of business in the State of Texas.

5. Upon information and belief, Plaintiffs are seeking damages in excess of \$75,000, exclusive of interest and costs, based upon the allegations in their complaint which seek damages in excess of \$50,000 for negligent hiring and supervision, and the wrongful death of decedent and the loss of love, affection, and companionship. *See* Ex. A at ¶ 23.

6. Consequently, proper diversity of citizenship exists between the parties as required under 28 U.S.C. § 1332, and the amount in controversy in this case exceeds the jurisdictional limit of \$75,000.00, exclusive of interest and costs.

7. The requisite elements of jurisdiction have been satisfied and diversity of the parties exists which entitles the Defendants to remove this action to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §§ 1332 and 1446.

WHEREFORE, the Defendant, MV Transportation, Inc., a/k/a MV Transportation, Inc. of California, notifies this Court that this cause has been removed from the Circuit Court of Cook County, Illinois, County Department, Law Division, to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to the provisions of 28 U.S.C. § 1446 and the Local Rules of the United States District Court of the Northern District of Illinois.

Respectfully submitted,

By: /s/ Craig M. Derrig

Craig M. Derrig, ARDC #6277369  
Keith K. Ybanez, ARDC #6318216  
WOOD SMITH HENNING & BERMAN, LLP  
222 South Riverside Plaza  
Suite 640  
Chicago, IL 60606  
312-766-4450 (p)  
312-766-4451 (f)  
[cderrig@wshblaw.com](mailto:cderrig@wshblaw.com)  
[kybanez@wshblaw.com](mailto:kybanez@wshblaw.com)

***Attorneys for MV Transportation, Inc., a/k/a  
MV Transportation, Inc. of California***

### **CERTIFICATE OF SERVICE**

I hereby certify that on the **6<sup>th</sup>** day of **June 2018**, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

and I hereby certify that I will mail the document by U.S. Mail to the following non-filing user:

Robert A. Shipley  
Shipley Law Group, Ltd.  
135 S. LaSalle St., Suite 2100  
Chicago, IL 60603  
[robert.shipley@shipleylawgroup.com](mailto:robert.shipley@shipleylawgroup.com)  
**Attorney for Plaintiffs**

By: /s/ Craig M. Derrig